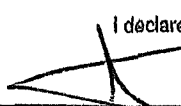


UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 19-CA-324895	Date Filed 8/31/2023

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Permobil Inc.	b. Tel. No. (509) 586-6117
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 2701 W Court St, Pasco, WA 99301	e. Employer Representative Erin Polly, Esq. K&L Gates 501 Commerce Street, Suite 1500 Nashville, TN 37203
	g. e-mail erin.polly@klgates.com
	h. Number of workers employed 2000+
i. Type of Establishment (factory, mine, wholesaler, etc.) Wheelchair factory and sales	j. Identify principal product or service Wheelchair factory and sales
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) Section 7 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) 1) On Apr. 26, 2023, Permobil violated my Sec. 7 rights by apprising me I was subject to a noncompete agreement. Previously, it had represented to me that an "audit" found I wasn't subject to a covenant. Enforcing this covenant restrains me (and others) from seeking to improve the terms and conditions of our employment. Employees had been deceptively told these covenants were a "benefit" to them. 2) On June 9, Permobil sued me, despite knowing that the NLRB's General Counsel held on May 30 that in most circumstances, such covenants violated employees' Section 7 rights. This lawsuit serves to chill current employees from bettering their working conditions. 3) On July 24, Permobil retaliated against me for: (a) stating that I planned to file an NLRB Charge; (b) advancing the rights of a group of employees to be free of restrictive covenants; and (c) preparing for group action on this issue.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Mark Westphal	
4a. Address (Street and number, city, state, and ZIP code) 6920 RYDER RD PASCO, WA 99301	4b. Tel. No.
	4c. Cell No. 509 845-9594
	4d. Fax No.
	4e. e-mail MARK.WESTPHAL@SUNMED.COM
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (signature of representative or person making charge) MARK WESTPHAL (Print/Type name and title or office, if any)	
Tel. No.	
Office, if any, Cell No.	
Fax No.	
e-mail	
Address 6920 RYDER RD PASCO, WA Date 8/31/23	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 161 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.